

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The claims currently pending in this application are Claims 1, 3, 7-15, 17-31 and 36-38. All of these claims are readable on the elected species and the elected invention. Claims 1 and 3 are the only independent claims.

The Examiner is kindly thanked for pointing out the inadvertent error in the last response involving incorrect status identifiers for Claims 31 and 32. The Examiner is correct in noting that such claims should have been identified as "Previously Presented" rather than "New." This inadvertent oversight is corrected in this Amendment.

With respect to the claim rejection based on 35 U.S.C. § 112, second paragraph, while applicants do not share the views expressed in the Official Action concerning the use of the term "substantially," particularly as such term is a common term in patent parlance, the language in question has been deleted. Accordingly, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Independent Claim 1 defines a guide wire comprising a wire member including a first wire disposed on the distal end side of the wire member and a second wire disposed on the proximal side from the first wire, with the first and second wires each possessing an end face, and the end face of the first wire and the end face of the second wire being welded to one another at a welded portion so that the first and second wires do not axially overlap one another. In addition, a cover layer is provided on the outer periphery of the wire member and covers the welded

portion between the first wire and the second wire. A proximal-side cover layer is disposed on the proximal side of the cover layer without an axial gap between the cover layer and the proximal-side cover layer. In addition, the proximal-side cover layer and the cover layer do not axially overlap one another.

Independent Claim 3 defines the guide wire in a different manner. As set forth in Claim 3, the guide wire comprises a wire member including a welded portion formed by welding a first wire disposed on the distal side of the wire member to a second wire disposed on the proximal side from the first wire. A cover layer is provided on the outer periphery of the wire member and covers the welded portion between the first and second wires. Further, a distal-side cover layer is disposed on the distal side from the cover layer, and is made from a material different from that of the cover layer. The cover layer and the distal-side cover layer do not axially overlap one another and do not have an axial gap therebetween.

The Official Action sets forth an anticipatory rejection of independent Claims 1 and 3 over U.S. Patent No. 6,001,068 to *Uchino et al.*

In setting forth this rejection, the Official Action states that *Uchino et al.* discloses a first wire (A or 61), a second wire (B or 62) and a cover layer (12 or 63). Thus, the Official Action takes the position that the embodiment of the guide wire shown in Figs. 1-4 of *Uchino et al.* anticipates independent Claims 1 and 3, and that the various embodiments of the guide wire shown in Figs. 8-11 and the subsequent drawing figures of *Uchino et al.* anticipate the guide wire recited in Claims 1 and 3. However, as was explained in the prior response, in the embodiments of the guide wire shown in Figs. 8-11 and subsequent drawing figures in *Uchino et al.*, the two wire members 61, 62 are not welded to one another as recited in Claims 1 and 3.

Rather, in these embodiments, the first wire 61 is joined to a connector 63 by brazing solder 64 as described in the latter portion of the third full paragraph of column 11 of *Uchino et al.*, and the second wire 62 is welded to the connector 63 as discussed in the fourth full paragraph of column 14 of *Uchino et al.* Thus, the embodiments of the guide wire shown in Figs. 8-11 and subsequent drawing figures in *Uchino et al.* cannot anticipate the claimed guide wire here because the wire 61 is not welded to the wire 63 as recited in Claim 3 and because the end faces of the wires 61, 63 are not welded to each other as recited in Claim 1.

In addition, Claim 1 recites that the end faces of the first and second wires are welded to one another without axial overlap. The end faces of the wires 61, 62 in *Uchino et al.* are not welded to one another without axial overlap of the wires 61, 62. Indeed, as clearly shown in Fig. 9 of *Uchino et al.*, and in other subsequent drawing figures, the end faces of the two wires 61, 62 axially overlap one another by virtue of the angled end surfaces of the two wires at the boundary 68.

The foregoing distinctions were discussed in the response filed on April 18, 2007, but were not addressed in the most recent Official Action. The Examiner is thus once again kindly asked to provide clarification on this point. That is, to the extent the Examiner relies upon the embodiments shown in Figs. 8-11 and subsequent drawing figures in *Uchino et al.*, the Examiner is asked to explain how the wires 61, 61 are welded to one another as recited in Claim 3, and how the how the end faces of the two wires 61, 62 are welded to one another without axial overlap as recited in Claim 1.

Noting the guide wire shown in Figs. 1-4 of *Uchino et al.*, independent Claim 1 is amended to recite a proximal-side cover layer disposed on the proximal-side from

the cover layer that covers the welded portion, without an axial gap between the proximal-side cover layer and the cover layer covering the welded portion, and wherein the cover layer and the proximal-side cover layer do not axially overlap one another. This proximal-side cover layer is shown in, for example, Fig. 5 of the present application (see the proximal-side cover layer 7). The Official Action indicates in connection with the embodiment of the guide wire shown in Figs. 1-4 of *Uchino et al.* that the connector 12 corresponds to the claimed cover layer which covers the welded portion. There is no proximal-side cover layer disposed on the proximal side from the connector 12. The same is also true with respect to the embodiments of the guide wire shown in Figs. 8-11 and subsequent drawing figures of *Uchino et al.*

Independent Claim 3 is amended to recite the distal-side cover layer that is disposed on the distal side from the cover layer (i.e., the cover layer covering the welded portion), without an axial gap between the distal-side cover layer and the cover layer. This distal side cover layer is illustrated in Fig. 3 of the present application which shows the layer 6 on the distal side of the cover layer which covers the welded portion. *Uchino et al.* discloses coatings 113, 67 and a coil 81 disposed on the distal side of the connectors 12, 63. However, Fig. 1 of *Uchino et al.* shows an axial gap between the coating 113 and the connector 12, Fig. 9 of *Uchino et al.* illustrates an axial gap between the coating 67 and the connector 63, and Fig. 12 of *Uchino et al.* depicts an axial gap between the coil 81 and the connector 63.

Thus Claims 1 and 3 presented here are patentably distinguishable over *Uchino et al.*

The dependent claims recite further distinguishing features associated with the claimed guide wire at issue here. For example, Claims 8 and 18 recite that the cover layer (i.e., the cover layer covering the welded portion) is made from a fluorocarbon resin or hydrophilic material, while Claims 9 and 19 recite that the cover layer is made from a silicone resin.

The Official Action states that the discussion in lines 19-65 of column 6 of *Uchino et al.* and the discussion at column 11, line 11-column 14, line 67 of *Uchino et al.* describes the layers 12, 63 being made of silicone resin. There is an apparent misunderstanding concerning what *Uchino et al.* describes in this regard. The description in lines 19-53 of column 6 of *Uchino et al.* refers to silicone rubber (see line 23), but this portion of the description specifically describes the material forming the coating 113. As seen in Fig. 1 of *Uchino et al.*, the coating 113 does not cover a welded portion. The description beginning in line 54 of column 6 of *Uchino et al.* describes a silicone coating (see line 63). However, this coating is applied to the second wire B. In either case, *Uchino et al.* does not state that the connector 12 (or 63) is made of the materials recited in Claims 8, 9, 18 and 19.

Similarly, the discussion beginning in line 11 of column 11 of *Uchino et al.* refers to silicone rubber (see lines 42-43 of column 11), but the description here pertains to the resin coating 67. As clearly evident from Fig. 9, this resin coating 67 does not cover a welded portion. Line 43 of column 13 of *Uchino et al.* also refers to silicone, but this description pertains to a coating applied to the second wire 62, not a cover layer that covers a welded portion.

New dependent Claims 37 and 38 define that the cover layer is made of resin. This is also described in paragraphs [0096]-[0099] of the present application. This

feature, together with the features recited in independent Claims 1 and 3, further distinguishes the claimed guide wire at issue here.

For at least the reasons set forth above, it is respectfully submitted that the claimed guide wire at issue here is patentably distinguishable over the disclosure in *Uchino et al.*

Reynolds is relied upon for disclosing cobalt based alloys. However, this reference does not address the deficiencies in *Uchino et al.* noted above.

Early and favorable consideration of this application is respectfully requested.

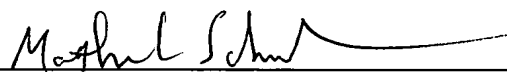
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 21, 2007

By:


Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620